

HON. JUDGE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

RANDOLFF SCOTT RUFFELL  
WESTOVER,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA,

Defendant.

No. 3:20-cv-05606-MJP

STIPULATED MOTION TO FILE  
THE ADMINISTRATIVE RECORD  
UNDER SEAL

NOTE ON MOTION CALENDAR:  
October 16, 2020

The parties stipulate as follows:

1. This matter involves plaintiff Westover's claim for short-term and long-term disability benefits under ERISA-governed insurance policies issued by defendant LINA. The plaintiff contends that certain medical conditions render him disabled and entitled to benefits under the terms of the LINA insurance policies.

1           2.       The administrative record produced by LINA<sup>1</sup> in this ERISA matter is around  
2 3,100 pages.

3           3.       The administrative record is replete with plaintiff's confidential personal  
4 information and consists mainly of plaintiff's medical records and analysis of, and/or  
5 commentary about, plaintiff's medical records.

6           4.       Under LCR (5)(g)(3), undersigned counsel certify they have conferred regarding  
7 the filing of the administrative record in this matter under seal. Given the volume of the file  
8 materials, and the nature of the contents of the file, it is impracticable to redact the large volume  
9 of material that would be necessary to redact if this record is not filed under seal. There is no  
10 practical way to redact the relevant medical information at issue in this lawsuit, which  
11 comprises the bulk of the record.  
12

13           5.       The parties agree that plaintiff has a legitimate purpose in keeping plaintiff's  
14 private personal information and medical records private, and there is no known reason why this  
15 information should be disseminated to the public and no harm to any party will be visited if the  
16 Court grants this motion.

17           6.       The parties do not assert that isolated citations to specific medical information,  
18 e.g., as might be necessary to support or oppose dispositive motions, would necessarily merit  
19 filing under seal, only that the voluminous medical history contained in the administrative  
20 record, some of which might be irrelevant to the present dispute, should be shielded from public  
21 disclosure.  
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25 <sup>1</sup> By making this motion, plaintiff does not concede that LINA's proffered administrative record is complete.

7. The “need to protect medical privacy qualifies in general as a ‘compelling reason’” to protect medical records and to file them under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-cv-01569RSM, 2013 WL 5588312, at \*1 (W.D. Wash. Oct. 9, 2013) (quoting LCR 5(g) and *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). The need to protect medical privacy qualifies as a “compelling reason” to grant a motion to seal even under the heightened “compelling reasons” standard applicable in the context of summary judgment motions. *Id.* *Karpenski* recognized that even if a plaintiff has put their health at issue in a lawsuit, they nonetheless remain entitled to the protection of sensitive medical information. *Id.*; *see also Macon v. United Parcel Serv., Inc.*, No. C12-260 RAJ, 2013 WL 951013, at \*5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to seal medical records even where plaintiff failed to comply with LCR 5(g) given the “private nature of the documents at issue”).

8. Accordingly, the parties ask this Court to allow for the filing of the administrative record under seal. A proposed order accompanies this motion. The undersigned counsel certify the above facts are true to the best of their knowledge. The parties present the below proposed order granting the above-requested relief.

RESPECTFULLY SUBMITTED: October 16, 2020

For Plaintiff Westover:

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By /s/ McKean J. Evans

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**ORDER**

IT IS SO ORDERED. The Court GRANTS the parties' joint stipulated motion to file the administrative record under seal and ORDERS that the clerk file the administrative record under seal in this matter.

DATED this 16th day of October, 2020.



Honorable Marsha J. Pechman  
United States District Judge